

Application No.: 10/804,958
Amendment dated: July 12, 2007
Reply to Office Action of June 15, 2007

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action dated June 15, 2007. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Claims 1-4, 7-12, 17-21, 23, 24, 28, 29, and 31 were previously pending in the application, and Claims 1-4, 7-12, 17-21, 23, 24, 28, 29, and 31 are currently rejected. Applicants have amended Claims 1, 17, and 28 to more clearly define the claimed subject matter. It is respectfully submitted that in light of the claim amendments and the remarks below, all of the claims are now in condition for allowance.

Rejections Under 35 U.S.C. § 102(b) as Being Anticipated by the O'Neill '664 Patent

Claims 1-4, 8, 11-12, 17-21, and 28-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,218,664 to O'Neill et al. ("the O'Neill '664 patent"). The Office Action alleges that the O'Neill '664 patent discloses every element and limitation found in the claims. Applicants would like to thank the Examiner for specifically defining the first compartment and the second compartment of the O'Neill '664 patent, and Applicants have amended independent Claims 1, 17, and 28 to each recite that both the first compartment and the second compartment of the claimed optical termination pedestals are substantially free of a gel encapsulant material. Accordingly, Applicants respectfully traverse these rejections to the extent that the rejections would apply to the claims as amended.

As stated in the Office Action in the last sentence of page 2, the O'Neill '664 patent teaches "a plate (26) sealing the first compartment relative to the second compartment and the gel is only filled from (21) to (25), which is the first compartment and the second compartment is substantially free of a gel encapsulant material." Applicants agree that the first compartment of the O'Neill '664 patent is filled with a gel material as described in column 2, lines 52-57 of the O'Neill '664 patent. Applicants have amended independent Claims 1, 17, and 28 to specifically recite "the first compartment and the second

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compartment are substantially free of a gel encapsulant material." Support for these amendments is provided by at least Figures 1, 2, 7, and 8 of the present application and is inherent to the description of the pedestals in the detailed description. Because the O'Neill '664 explicitly teaches filling the first compartment with a gel encapsulant material, Applicants respectfully submit that the O'Neill '664 patent does not anticipate the independent Claims 1, 17, and 28 as amended, nor the claims depending therefrom. Accordingly, Applicants respectfully request that the rejections of Claims 1-4, 8, 11-12, 17-21, and 28-29 be withdrawn.

Rejections Under 35 U.S.C. § 103(a) as Being Unpatentable Over the O'Neill '664 Patent in view of the Saito '042 patent

Claims 7, 9-10, 23-24, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the O'Neill '664 patent in light of U.S. Patent No. 5,649,042 to Saito ("the Saito '042 patent"). The Office Action alleges that the O'Neill '664 patent, in view of the Saito '042 patent, discloses every element and limitation found in the claims. To the extent that these rejections would be applied against the claims as amended, Applicants respectfully traverse.

As discussed above, the O'Neill '664 patent fails to teach or suggest providing a first compartment and a second compartment that are substantially free of a gel encapsulant material. In addition, the Saito '042 patent is directed to loose tube cables and thus also fails to teach or suggest providing a first compartment and a second compartment of a pedestal that are substantially free of a gel encapsulant material. Therefore, the O'Neill '664 patent and the Saito '042 patent, either alone or in combination, fail to teach or suggest providing a first compartment and a second compartment that are substantially free of a gel encapsulant material, as recited in the independent claims from which Claims 7, 9-10, 23-24, and 31 depend. For at least this reason, Applicants respectfully submit that Claims 7, 9-10, 23-24, and 31 are not unpatentable. Accordingly, Applicants respectfully request that the rejections of Claims 7, 9-10, 23-24, and 31 be withdrawn.

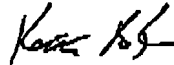
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Conclusion

In view of the foregoing remarks, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Chiem is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 03-3325.

Respectfully submitted,

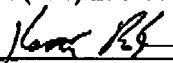


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7-12-07
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